



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hayashi, T. et al) Art Unit: To be assigned
U.S. Appln. No. : 10/626,389) Examiner: To be assigned
Confirmation No. :
U.S. Filing Date : July 24, 2003
Title of Invention : PHARMACEUTICAL FORMULATIONS CONTAINING
COMBINATIONS OF EPINASTINE, PSEUDOEPHEDRINE, AND METHYLEPHEDRINE

Attny. Docket No. : 1/1379

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

December 15, 2003

TRANSMITTAL LETTER FOR SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,



Timothy X. Witkowski
Attorney for Applicant(s)
Reg. No. 40,232

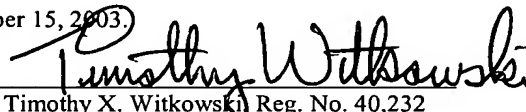
Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road, P.O. Box 368
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Tel: (203) 798-4310
Date: December 15, 2003

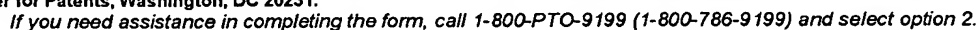
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PTO/SB/08B (04-03)

Approved for use through 04/30/2003. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Compleat if Known	
				Application Number	10/626,389
				Filing Date	07/24/2003
				First Named Inventor	Hayashi, T. et al
				Art Unit	1615
Sheet	2	of	2	Examiner Name	
				Attorney Docket Number	1/1379

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		New antitussive medicinal compositions-comprises ketotifen, epinastine and methyl-ephedrine, methoxy-phenamine; tri:meto-quinol, theophylline, aminophylline, di:prophylline and/or proxy-phylline. Derwent Abstract XP 002225255 of JP 11071281	
		Internal Medicine for rhinitis-comprises phenyl-propanol-amine-, phenyl-ephedrine, methyl-ephedrine or methoxy-phenamine and ketotife fumarate and/or epinastine hydrochloride, Derwent Abstract XP 002225257 of JP10045576	
		Pharmaceutical Composition for common cold having improved after-taste-contains Stevia and e.g. codeine phosphate, lysozyme chloride, clemastine fumarate and ibudilast, Derwent Abstract XP002225256 of JP9052849	
		Patent Abstracts of Japan vol. 2003, no. 07, July 3, 2002 and JP 2003 089638 A (Taisho Pharmaceutical Co. Ltd), March 28, 2003 abstract	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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